

SECRET

OGC HAS REVIEWED.

9 DEC 1968

MEMORANDUM FOR: Acting Deputy Director for Support

SUBJECT : Revision of Agency's Personal History Statement

REFERENCES : A - Associate General Counsel Memorandum, dtd 1 Nov 1968 (Civil Service Letter No. 736)

B - Deputy Director for Support Memorandum, dtd 5 Nov 1968 (Agency's Personal History Statement)

1. This memorandum is for information only.

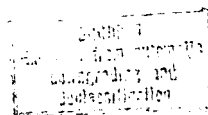
2. Reference is made to your request of 5 November 1968 for the Office of Security to consider the advisability of effecting changes in the Personal History Statement of the Agency in connection with paragraph (2) and (3) of the OGC memorandum as reflected in Reference A.

3. After reviewing the proposed changes outlined in Reference A by [redacted] the Associate General Counsel, the Office of Security is in agreement with [redacted] suggested change cited in paragraph 3(a) of Reference A - that the phrase "will be investigated" in Section XXVI of the PHS be changed to - "may be investigated."

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4. During the interim use of the current PHS, Office of Security investigators, as in the past, will be circumspect and discreet in their inquiries to avoid asking any questions or performing any action which might be construed as an unwarranted invasion of privacy.



Howard J. Osborn
Director of Security

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2 Atts

**Att 1: Memo dtd 1 Nov 68 for
DDS from A/GC, Subj:
Civil Service Letter**

**Att 2: Memo dtd 5 Nov 68 frm
DDS for D/Personnel
and D/Security**

**cc: General Counsel (w/o atts)
Director of Personnel (w/o atts)**

Distribution:

Orig. & 1 -Adse (w/atts)
1 - OGC (w/o atts)
1 - OP (w/o atts)
1 - D/Security (w/atts)
1 - EPD File (w/atts) ✓
1 - Chrono

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SA/EPD/OS/[]/tb (4 Dec 68)

TAB

OGC 68-2157

1 November 1968

MEMORANDUM FOR: Deputy Director for Support

SUBJECT: Civil Service Letter--"Full Field
Investigations on Competitive Service
Employees and Applicants for Critical-
Sensitive Positions"

1. This is in response to your request for our comments on several points developed at the meeting in your office on 25 October concerning the subject Civil Service letter. The meeting agreed the letter did not apply to CIA since by its terms it establishes standards relating to appointments to critical-sensitive positions "in the competitive service." It was also the consensus that the Agency would comply with the letter nevertheless, to the greatest extent possible. In this regard, the Jerry Kluttz column of 28 October quotes Chairman Macy as expressing "the hope that the same tight standards would be adopted by security and other agencies with non-competitive positions."

2. You requested our views as to whether Section XXII of the Agency's Personal History Statement need be changed in order to conform to subsection (1) of the Civil Service letter (page 4). Section XXII of the PHS requires the applicant to list clubs, societies, professional societies, employee groups or any other organizations to which he belongs or has ever belonged. Subsection (1) of the letter prohibits investigators from inquiring about, among other things, union membership and fraternal affiliations. Section XXVI of the PHS also provides: "You are informed that the accuracy of any statement made in this application will be investigated." Subsection (1) of the letter does authorize investigators to inquire into union membership and fraternal affiliations "when such information constitutes a bona fide qualification or fitness requirement for specified employment, is required to establish identity, or directly relates to security fitness or subversive activities."

3. Unless the Agency takes the position that every item of information furnished by the applicant on the PHS does fall within the exception of subsection (1) quoted above, it would follow that the two documents are in conflict. The conflict could be removed by a modification of the statement in Section XXVI in any one of several ways:

a. The phrase "will be investigated" could be replaced by "may be investigated."

b. The sentence could be restated: "You are informed that the accuracy of a large majority of all statements made in this application will be investigated and the accuracy of all statements may be investigated"; or "You are informed that the accuracy of any statement made in this application that involves information which constitutes a bona fide qualification or fitness requirement for specific employment, is required to establish identity, or directly relates to security fitness or subversive activities, will be investigated."

4. You also have requested a statement of rationale as to the need for the Agency to comply with Attachment 1 of the letter. The Agency is not required to comply, because the attachment has no binding force of its own. Rather, it prescribes the exceptions for use of the polygraph which subsection (7) of the letter (page 5) otherwise prohibits. Since the letter is not applicable to us, the attachment is not either. Nor would our desire to comply with the letter require us to make the submissions to the Civil Service Commission which Attachment 1 prescribes. The submission to the Commission of a statement of our mission for its determination as to whether the Agency has an intelligence or counterintelligence mission directly affecting the national security obviously is unnecessary. It is our understanding that in the conversations which led to the issuance of Attachment 1 it was understood that the attachment would not apply to CIA and that the use of the polygraph is an area in which CIA practices necessarily must differ from those prescribed for non-security agencies of Government.


Associate General Counsel

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DD/S 68-5528

05 NOV 1968

MEMORANDUM FOR: Director of Personnel
Director of Security

I asked [] of the Office of General Counsel for certain legal opinions concerning the provisions of the Civil Service Commission letter which he has furnished in the attached memorandum dated 1 November 1968.

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I ask that addressees consider paragraphs (2) and (3) of [] memorandum as to whether or not changes should be made in our Personal History Statement to indicate compliance in letter and spirit with the CSC directive.

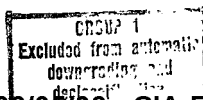
[]

25X1

R. L. Bannerman

Att: Memo dtd 1 Nov 68 for DD/S fr A/GC,
subj: Civil Service Letter--"Full
Field Investigations on Competitive
Service Employees and Applicants
for Critical-Sensitive Positions"

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OFFICIAL ROUTING SLIP

TO	NAME AND ADDRESS	DATE	INITIALS
1	DD/IOS 3 cys. sent		
2	DD/PS 3 cys. sent		
3	C/SRS 1 cy. sent		
4			
5			
6	File copy		

ACTION	DIRECT REPLY	PREPARE REPLY
APPROVAL	DISPATCH	RECOMMENDATION
COMMENT	FILE	RETURN
CONCURRENCE	INFORMATION	SIGNATURE

Remarks:

Your comments on the attached would be appreciated by 18 November 1968.

FOLD HERE TO RETURN TO SENDER

25X1A	FROM: NAME, ADDRESS AND PHONE NO.	DATE
	C/EPD 4E-38 x5961	11/8/68

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM

UNCLASSIFIED CONFIDENTIAL SECRET

OFFICIAL ROUTING SLIP

TO	NAME AND ADDRESS	DATE	INITIALS
1	D/S	6 NOV 1968	4/0
2	D.D./Sec	11/168	[Signature]
3			
4			
5	C/ES	7 NOV 1968	[Signature]
6	C/EPD		

<input type="checkbox"/> ACTION	<input type="checkbox"/> DIRECT REPLY	<input type="checkbox"/> PREPARE REPLY
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> DISPATCH	<input type="checkbox"/> RECOMMENDATION
<input type="checkbox"/> COMMENT	<input type="checkbox"/> FILE	<input type="checkbox"/> RETURN
<input type="checkbox"/> CONCURRENCE	<input type="checkbox"/> INFORMATION	<input type="checkbox"/> SIGNATURE

Remarks:

We can stop out with 10s + Ps.

Please do - I would like to comply if possible.

4/0

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FROM: NAME, ADDRESS AND PHONE NO	DATE
Executive Officer [Signature]	6 NOV 1968

TO: Director of Security	
ROOM NO. 4E60	BUILDING HQS
REMARKS:	
FROM: Deputy Director for Support	
ROOM NO. 7D26	BUILDING HQS
EXTENSION 5454	

ed For Release 2002/05/02 : CIA-RDP83E00823R0001001

6 NOV 1968

ed For Release 2002/05/02 : CIA-RDP83E00823R0001001

FORM NO. 241 1 FEB 55

REPLACES FORM 36-8 WHICH MAY BE USED.

(47)

UNCLASSIFIED CONFIDENTIAL SECRET

OFFICIAL ROUTING SLIP

TO	NAME AND ADDRESS	DATE	INITIALS
1	C/EPD	12/3/68	P
2	C/Executive Staff	4 DEC 1968	h/t
3	D/Security	5 DEC 1968	h/t
4	DD/Sec.	12/6	h/t
5			
6			

<input type="checkbox"/>	ACTION	<input type="checkbox"/>	DIRECT REPLY	<input type="checkbox"/>	PREPARE REPLY
<input type="checkbox"/>	APPROVAL	<input type="checkbox"/>	DISPATCH	<input type="checkbox"/>	RECOMMENDATION
<input type="checkbox"/>	COMMENT	<input type="checkbox"/>	FILE	<input type="checkbox"/>	RETURN
<input type="checkbox"/>	CONCURRENCE	<input type="checkbox"/>	INFORMATION	3	SIGNATURE

Remarks: DD/PS and C/NS Concur in change to "may be" re. Section XVI of PHS. No comments by DD/IAS.

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25X1A FROM: NAME, ADDRESS AND PHONE NO. DATE
SA/EPD, 4E38, x5961 12/3/68